

Amendments to the Drawings

The attached sheets of drawings set forth drawing Figures 1-4, as described on page 4 of the specification.

Appendix Attachment: Drawing Sheets 1-4

REMARKS/ARGUMENTS

1. Elections/Restrictions. Claims 1, 2, 6 and 7 are pending. Claims 3-5 are withdrawn. Applicants hereby confirm the provisional election without traverse to prosecute the invention of a method for predicting the absorption of a molecule including the generic claims 1, 6-7 and species claim 2, made by applicants' attorney Gabriel Kleiman in a telephone conversation on September 25, 2003.

2. Specification (a). In response to the Examiner's objections to the specification listed on pages 3-4 of the October 2, 2003, Office Action, Applicants have addressed the objections in this Response in the sections identified as "Amendments to the Specification" hereinabove. As the Examiner will appreciate, no new matter has been introduced by these amendments.

3. Specification (b). In response to the Examiner's observation of the lack of drawings filed in the application listed on page 3 of the October 2, 2003, Office Action, Applicants have addressed this in the sections identified as "Amendments to the Drawings" and are discussed in the remarks hereinbelow.

4. Drawings. Applicants note that Figures 1-4 are attached hereto in the Appendix to the Response. In relation to the submission of the drawings at this time, Applicants note that support is provided in the specification as originally filed for the subject matter of the drawings. For Figure 1, which is a flow chart showing the overall process of the invention, support is provided in the specification as originally filed at page 4, line 12, page 6, line 9-31 and through page 7, line 7. In addition, for Figure 1, claim 1 as originally filed is written description support for the content of this drawing. For Figure 2, written description support is provided in the specification as originally filed at page 10, lines 12-37 and page 11, lines 1-2. For Figure 3, written description support is provided in the specification as originally filed at Example 2, which is at page 11, lines 6-20, including Table 2. For Figure 4, written description support is provided in the specification as originally filed at Example 1, page 7, line 19 through page 11, line 2 as well as Example 3, page 11, line 22 through page 14,

line 5. As the Examiner will appreciate, no new matter is being introduced by the addition of these drawings to this amendment, pending entry of this Amendment.

5. Computer Program Listing. In response to the Examiner's requirement for submission of a computer program listing on CD pursuant to 37 C.F.R § 1.96(c), Applicants attach hereto a transmittal letter accompanying two copies of a CD, each copy of which contains the two files which make up the computer program listing. In addition, pursuant to 37 C.F.R § 1.77(b)(4), in the "Amendments to the Specification" section of this paper, Applicants have cancelled the written computer program listing on pages 14-25 of the specification, and, pending entry of this Amendment, have inserted a paragraph on page 1 of the specification which references the transmittal letter and the accompanying CDs which now contain the computer program listing which was originally filed with the application. As the Examiner will appreciate, no new matter is being introduced by this amendment. Moreover, two other references to the written Computer Program Listing in the specification, as originally filed, have been amended in the "Amendments to Specification" section of this paper, and, pending entry of this Amendment, these refer now to the Computer Program Listing which is submitted herewith on CD. As the Examiner will appreciate, no new matter is being introduced by this amendment.

6. Claims 1-2 and 6-7 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner states that the phrase "structural descriptors that potentially relate to a pharmacokinetic property" in claims 1 and 7 renders the claims indefinite. The Examiner asserts that one of ordinary skill in the art would not know what standard to use to determine whether or not a structural descriptor of a molecule potentially relates to a pharmacokinetic property. Applicants respectfully disagree. One of ordinary skill in the art would know what standard to use to determine whether or not a structural descriptor of a molecule potentially relates

to a pharmacokinetic property. Examples of structural descriptors are given in the specification as originally filed at page 8, lines 1-12, page 9, lines 4-37, page 10, lines 2-10, in Example 5, page 23, lines 17-end, all of page 24, and all of page 25. As set forth in the specification page 4, lines 20-22, "pharmacokinetic properties" refers to the properties of molecules related to metabolism, absorption (permeability), distribution, and excretion (ADME). A list of examples of absorption studies is provided in the specification as originally filed at page 4, lines 24-28. A list of examples of distribution studies is provided in the specification as originally filed at page 4, lines 29-30 and page 5, lines 1-3. A list of examples of metabolism studies is provided in the specification as originally filed at page 5, lines 4-9. A list of examples of excretion studies is provided in the specification as originally filed at page 5, lines 10-12. . All of these types of studies are known to one of ordinary skill in the art; he/she would be performing these studies as a matter of course. Clearly, if one of ordinary skill in the art performs such studies as a matter of course in his day-to-day experimentation, one of ordinary skill in the art would know the standard to use to determine whether or not a structural descriptor of a molecule may relates to a pharmacokinetic property. Applicants request entry of the amendment and reconsideration of the Office Action mailed October 2, 2003.

7. Claims 1 and 7 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner states that the phrase "the molecule" lacks clear antecedent and it is not clear which "molecule" out of the "molecules" is referred to in the training set. Applicants have amended claims 1 and 7 to add the phrase "of a molecule set forth in the training set". Thus, applicants respectfully submit that, the molecule referred to in step c) of claims 1 and 7 refers to a molecule which is set forth in the training set, which training set is mentioned in step a) of those claims. Support for these amendments is found at page 4, lines 17-19, wherein it is explained that "molecules used as a training set" refers to the molecules whose

pharmacokinetic properties have been already determined experimentally and used to develop a QSPR model. Thus, "molecules used as a training set" refers to molecules, and thus support is given for the new claim language, "molecule set forth in the training set". As the Examiner will appreciate, no new matter is being introduced by this amendment. Applicants respectfully request entry of the amendment and reconsideration of the Office Action mailed October 2, 2003.

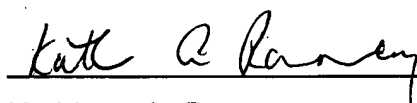
8. Claim 6 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. The Examiner states that claim 6 contains the trademark SYBYL™. Applicants have amended claim 6 to include the phrase "a language known as" inserted before the word "SYBYL™". Applicants respectfully submit that this amendment clarifies that it is the language that is intended as the limitation, and the language is known by the trademark SYBYL™. Applicants request entry of the amendment and reconsideration of the Office Action mailed October 2, 2003.

9. Applicants believe that the amendments and remarks/arguments hereinabove place the Application in condition for immediate allowance. Therefore, entry of the amendments hereinabove and reconsideration of the Office Action mailed October 2, 2003, are respectfully requested. Such prompt and favorable action is earnestly solicited.

Respectfully submitted,

Date: _____

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